



CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS PAPER, IS BEING DEPOSITED WITH THE U.S. POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO MAIL STOP PETITIONS, PO BOX 1450, ALEXANDRIA, VA 22313-1450, ON

12/9/03 (DATE OF DEPOSIT)
12/9/03 DATE *Inf Sausa* NAME

#6

DOC NO. 12297

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Eddie Sapien, Jr.

Serial No: 10/028,559

Filed: October 25, 2001

For: Brace Assembly For Supporting A Drywall Pan

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DEC 18 2003
TECHNOLOGY CENTER R3700

PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE TO
RECEIVE NOTICE TO FILE CORRECTED APPLICATION PAPERS

Hon. Commissioner of
Patents and Trademarks

Sir:

The above stated application has been abandoned for failure to timely file the required corrected application papers within the two month statutory period from the mailing date of the Notice To File Corrected Application Papers. Applicant respectfully petitions that the holding of abandonment for the above stated application be withdrawn, because said application was only abandoned because the Notice to File Corrected Application Papers was never received by the applicant's attorney.

Once the Notice of Abandonment was received the applicant's attorney promptly called the Patent Office to have a copy of the

Notice to File Corrected Application Papers faxed to him, and applicants attorney has enclosed said Notice to File Corrected Application Papers along with required corrected applications papers. Applicants attorney has also enclosed a copy of the docket dated March 28, 2002, the deadline for response to said Notice.

The applicant respectfully requests that this petition is acted upon in a timely manner. Applicant is eager for the issuance of his patent.

In view of the above, reconsideration of the Notice of Abandonment is respectfully solicited.

Respectfully submitted,



Richard W. Goldstein
Reg. No. 36,527
Attorney For Applicant(s)
2071 Clove Road
Staten Island, New York 10304
(718) 727-9780



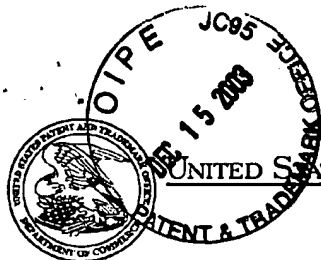
DECLARATION IN SUPPORT OF PETITION TO REMOVE THE HOLDING OF
ABANDONMENT BASED ON FAILURE TO RECEIVE NOTICE TO FILE CORRECTED
APPLICATION PAPERS

1. I am the attorney of record for the applicant, inventor of serial number 10/028559. Consistent with the "power of attorney" filed with the application, correspondence was to be mailed to me at 2071 Clove Road, Staten Island, NY 10304.
2. I received a filing receipt for this application approximately January 2002. The filing receipt was sent to the correct address.
3. I received a notice of Abandonment in this case, which was mailed on November 28, 2003. The case was abandoned because of applicant's failure to timely file corrected application papers within the two month statutory period from the mailing date of the Notice To File Corrected Application Papers.
4. I personally see every Notice to File Corrected Application Papers when it is received from the Patent Office. The Notice is then docketed as a reminder on the computer system, then the Notice is placed in the file folder and noted on the file folder, and the file folder is taken out of our "pending" file section for prompt action.
5. A search of the file folder did not reveal any record of a Notice to File Corrected Application Papers being received. The file was still with the "pending" files. No reminder was ever entered into the computer. A thorough search of other files did not uncover the alleged Notice. Further, I never received the above stated Notice, nor did I have any knowledge that a Notice to File Corrected Application Papers was mailed prior to the application becoming abandoned.
6. I am satisfied from my own investigation that the Notice to File Corrected Application Papers was never received at my office. Had I known of the Notice to File Corrected Application Papers, I would have promptly responded thereto.

Respectfully,

Richard W. Goldstein
Reg No. 36,527
Attorney for Applicant

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/028,559	10/25/2001	Eddie Sapien JR.	12297

CONFIRMATION NO. 3297

ABANDONMENT/TERMINATION
 LETTER



OC000000011376942

Richard W. Goldstein
 2071 Clove Road
 Staten Island, NY 10304

Date Mailed: 11/28/2003

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 01/28/2002.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
 Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/028,559	10/25/2001	Eddie Sapien JR.	12297

CONFIRMATION NO. 3297

FORMALITIES LETTER



OC00000007377252

Richard W. Goldstein
2071 Clove Road
Staten Island, NY 10304

Date Mailed: 01/28/2002

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Filing Date Granted

This application has been accorded an Application Number and Filing Date. The application, however, is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given **TWO MONTHS** from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a)

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - Drawings must be in dark ink (not pencil), except where color drawings or photographs are permitted.
 - Drawings must be reasonably free from erasures and must be free from alterations, overwritings, interlineations, folds, and copy marks.

A copy of this notice MUST be returned with the reply.

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DEC 18 2003

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY TECHNOLOGY CENTER R3700